

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, September 4, 2007

MEMBERS

PRESENT: Appleby, Funk, Householter, Mikesell, Ritter, Schneider, Soderberg & Yarnevich

MEMBERS

ABSENT: Bonilla-Baker

STAFF

PRESENT: Andrew, Asche, Burger, Herrs and Place

Vice-Chairman Yarnevich called the meeting to order at 4:00 p.m. and asked if there were any changes to the agenda.

Mr. Andrew stated the items that you see on your printed agenda should be considered in the order in which they appear, except I understand that Mr. Funk has a suggestion or a motion regarding the Election of Officers.

MOTION: Mr. Funk stated Madam Chairman I would like to move Item #6 to this point because I have to leave at 5:15 p.m. and I would like to be a part of that. So I move that Item #6 be taken up at this point.

SECOND: Mr. Mikesell.

Mrs. Yarnevich stated it has been moved and seconded that Item #6 be moved ahead of the other items on the agenda. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 6-0. (Ritter & Schneider had not arrived at meeting yet)

Item #6. Annual Business Meeting – Election of Officers.

Mr. Ritter joined the Commission at this time.

Mr. Andrew stated as far as our current status for the Election of Officers we are at our full compliment of nine members. Mr. Simpson served as Chairman and did not seek re-appointment for another three year term. All current members, except for Mr. Appleby and Mr. Householter who have not served a full one year on the Commission, would be eligible for the position of Chairman. Mrs. Yarnevich has served a term as Vice-Chairman and she would be eligible to be re-elected or be elected to the position of Chairman. Again, all members except for Mr. Appleby and Mr. Householter who have not yet served a full year, would be eligible for the Vice-Chairman position. Lacking a Chairman at this point in time I would accept nominations for the position of Chairman who would serve from this meeting until September of 2008.

MOTION: Mr. Funk stated I move that Margaret Yarnevich be elected Chairman and that a unanimous ballot be cast.

SECOND: Mrs. Soderberg.

Mr. Andrew stated it has been moved and seconded that the nomination and election of the Chairman be done by unanimous ballot and that Mrs. Yarnevich fill the position of Chairman. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 7-0. (Schneider had not arrived at meeting yet)

Mr. Andrew stated we now have a Chairman and I will turn it over to Mrs. Yarnevich to accept nominees for the position of Vice-Chairman.

Mr. Schneider joined the Commission at this time.

Mrs. Yarnevich asked are there any nominees for the position of Vice-Chairman?

MOTION: Mrs. Soderberg stated I move we nominate Mr. Funk as Vice-Chairman.

SECOND: Mr. Mikesell.

Mrs. Yarnevich stated it has been moved and seconded that Mr. Funk be nominated for the position of Vice-Chairman. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Mrs. Yarnevich asked do we also have some committee placements that we need to do?

Mr. Andrew stated we should go ahead and do that. For your information, Mr. Funk is currently your representative on the Board of Zoning Appeals that meets once a month on Thursdays and currently Mrs. Yarnevich is representing the Planning Commission on the Heritage Commission that meets about four times a year and also has special meetings. We could consider nominations or if we have Commissioners that are interested in volunteering that would also be acceptable.

Mrs. Yarnevich stated I would like to step down from the Heritage Commission with this new responsibility.

Mrs. Soderberg asked can new Commissioners like Mr. Appleby serve on one of those without a problem?

Mr. Andrew stated yes.

Mrs. Soderberg asked Mr. Appleby would you serve on the Board of Zoning Appeals? I know you have the experience professionally but I don't know if you feel like you've been here long enough?

Mr. Appleby stated yes, I would.

Mrs. Soderberg asked Mr. Funk is that alright with you?

Mr. Funk stated sure, I've been on it two years and it's a good experience.

Mrs. Soderberg asked do we do nominations for that too?

Mr. Andrew stated if Mr. Appleby wants to volunteer and we have no other volunteers then we certainly don't need to vote on that.

Mrs. Yarnevich stated so we have the Board of Zoning Appeals position filled. Is there anyone who would like be on the Heritage Commission?

Mrs. Soderberg stated I would be happy to do that unless there is somebody else who would like to.

Mrs. Yarnevich asked does that take care of that?

Mr. Andrew stated that takes care of that business and we will make sure that both Mr. Appleby and Mrs. Soderberg get added to the rosters of those boards and are kept informed of upcoming meeting dates and agendas.

Mrs. Yarnevich stated there is a Heritage Commission meeting tomorrow which I will be happy to attend.

Item #1. Approval of the minutes of the regular meeting held on August 21, 2007.

The minutes of the August 21, 2007 meeting were approved as presented.

Item #2. Application #P07-4, filed by Quail Meadows Estates, Inc., requesting approval of a preliminary plat of the Quail Meadows Estates Commercial Addition, a proposed two (2) lot subdivision of a 20 acre tract located on the west side of South Ohio Street north of Schilling Road. Continued from August 21, 2007.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file. He asked Mr. Place for a status update on the South Ohio project and whether traffic signals were part of the project.

Mr. Place stated thank you Dean. As far as the South Ohio project goes we are in the process of right-of-way acquisition that is continuing for that project. Right now it is scheduled for a November bid letting. There are some timetables that we have to meet with this right-of-way in order to get that done. We're coming very close to the completion of the right-of-way, so I'm hopeful on that. As far as signals at Schilling, the project will not have a signal at Schilling and Ohio. It will just be a stop controlled intersection. If at some point in the future it's required we'll go through with some traffic safety study to figure out if it warrants a signal or not and that can be included at a later date.

Mr. Andrew stated I think we just wanted to clarify that the widening project does not include signals, it's a widening only.

Mr. Funk asked is that going to be a four-way stop or a two-way stop as it is now?

Mr. Place stated I believe it's going to be continued as it is now, as a two-way stop.

Mrs. Yarnevich asked will Ohio be three lanes with a left lane turning lane?

Mr. Place stated at the intersection it will be a five lane. Once you get out of the intersection of Schilling and Ohio it will be four lanes going north all the way to Magnolia where it currently widens to a five lane also.

Mr. Andrew stated the Ohio Street project is being funded as a combination State and local project. There is no special assessments or any fees being levied in association with that. We did have a brief discussion with the applicant about whether there were going to be any covenants or architectural controls or anything on the commercial portion of this and he indicated that there was nothing in the works on that at this time. I think the main reason that this didn't join up with the rezoning request at your last meeting was making sure we had a plan for the drainage discharge on the proposed commercial area. We think that has being resolved. Our

recommendation would be approval of the preliminary plat with the five conditions that you see indicated there on page 9. There were two words that were left out of Condition #1 which are probably important to Mr. Byquist and those are the words "except for". In other words Mr. Byquist will be responsible for the water, sewer, Joanie Lane construction and storm drainage but it should say "except for improvements associated with the widening of Ohio Street". Other than that I would be happy to stand for any questions.

Mr. Mikesell asked on Item #5 of your staff recommendation could you tell me what a section corner tie is?

Mr. Andrew stated a section corner tie is a report to the County Surveyor. This is a section corner right here, this is a section, this is a section and this is a section and they are tied together here. The County Surveyor wants a report that the corner ties are actually there, that the monumentation is there, and then they want all the corners of this subdivision tied back to that reference point. You can get by with not having that monumentation shown on the preliminary plat but on the final plat that needs to be done and addressed because the County Surveyor has to sign off on a final plat. So that's included in there just as more of a reminder to the surveyor and for the developer to make sure that they provide that.

Mrs. Soderberg asked with the widening of Ohio will there be sidewalks that will run the whole length of Ohio?

Mr. Andrew stated I will let Karlton address what's happening on the east side of Ohio and I can talk to the west side.

Mr. Place stated with the South Ohio project there will be a hike and bike path that goes from Schilling on the east side of Ohio up to a point where Jerry Ivey Park crosses Ohio and goes into the park there.

Mrs. Soderberg asked the bike path will go into the park?

Mr. Place stated correct.

Mr. Funk asked is that going to be concrete pavement?

Mr. Place stated yes.

Mr. Funk asked 12 ft. feet wide?

Mr. Place stated 10 ft.

Mrs. Yarnevich asked will there be a bike lane and a pedestrian lane?

Mr. Place stated no, to be considered a hike and bike path it needs to be 8-10 ft. wide but 10 ft. is what we put on there.

Mrs. Yarnevich asked it won't be marked the difference between where you bike and where you hike?

Mr. Place stated no.

Mr. Andrew stated it just allows for people who are on bicycles to pass on the left if there are people walking and pushing strollers it allows those people to be protected and room for faster vehicles or bicycles to pass on the left. As far as the west side, that is what I was kind of speaking to, it is a requirement that just as you would build sidewalks on Joanie Lane that if you develop this parcel you would have a sidewalk here, here, here and here and we will make sure that happens as part of any building permit. But there is nothing

as far as this section up here in the way of sidewalk construction that is part of the Ohio widening project that I'm aware of.

Mr. Householter asked are all the setbacks consistent with the widening of Ohio Street that we're looking at here?

Mr. Andrew stated yes, the plat that we have in front of you is based on a dedication of 50 ft. from the center line. So that will establish the new property line and the basis for the setbacks will be based on that dedication. Farther north where the houses are that line is not changing. The road is going to be shifted to the east.

Mr. Ritter asked drainage has always been a little tricky out there and you guys are sure that this will alleviate some of that problem or just takes care of what he is doing?

Mr. Andrew stated historically all this water came from the south to the north. What the Schilling Road ditch does is intercept the water that is coming from the south. What this further does is that in these streets where the houses are being built there is a pipeline that is right here that comes down so not only has the water from the south been intercepted but this naturally wants to go that way and it's being reversed through the storm pipelines to come back this way to the south. It will come back this way here and then what their plan is for the commercial area is to collect it all and build another street crossing under Schilling and pipe it all to the south. Naturally it doesn't want to go south but this is going to collect the runoff and artificially take it back to the ditch, except for these backyards and this little segment of street and Linda Lane here which will still flow back to the north. But the majority of the lot drainage will go south through pipelines into the ditch.

Mrs. Yarnevich asked are there any other questions of Dean and the staff? If not, would the applicant or representative care to address the Commission? Please state your name and address.

Stan Byquist, 2601 S. Ohio, stated I want to thank you on behalf of my partner and myself. My partner is Jim Caywood of San Diego, California. I would like to thank the City staff for putting this all together. They have done an excellent job. It's taken a bit of time but we're finally here. I guess lastly I would say that we're in agreement with all the specifications that Dean has gone through. I'd be happy to answer any of the questions that you may have on any of the matters. Thank you very much.

Mrs. Yarnevich asked is there anyone in the public that would like comment on this application? Seeing none we will bring it back to the Commission for discussion and action.

MOTION: Mr. Mikesell stated in Margaret's absence as the official motion maker, I make a motion that we approve Application #P07-4 with the five stipulations in the staff recommendation.

SECOND: Mr. Funk.

Mrs. Yarnevich stated it has been moved and seconded that we approve Application #P07-4 with the staff recommendations. Are there any other comments or questions? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Item #3. Application #Z07-13, filed by C.R. Development, Inc., requesting a change in

zoning district classification from RS (Residential Suburban) to R-1 (Single-Family Residential) on a 9.82 acre tract of land located on the south side of East Cloud Street east of Parkwood Drive.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mrs. Yarnevich asked in Option B on the water line it says that the easement was not wide enough for the water line, what would they do about that?

Mr. Andrew stated if the space is entirely open we can get by with that. But what often occurs is that if a house is set back 7 ½ ft. from the side property line there is no way to get 10 ft. there to get a full 20 ft. If there is space on the other side that is a possibility but generally in residential areas there is 15 ft. between the two houses and if you need 20 ft. to get clearance for equipment and all for utilities then 15 ft. is just not going to work. We might need additional information. This is the spot right here where they were talking about coming through and it would depend on how closely these are together whether in fact you could get the 20 ft. there. But that's the location there where they were talking about looping. The other option is just to bring a line down and tie it right here into the line in Red Fox Lane.

Mrs. Yarnevich asked that was Option C?

Mr. Andrew stated that was Option C.

Mrs. Yarnevich asked are there any other questions of Dean or the staff? Would the applicant or representative care to address the Commission? Please state your name and address.

Greg Adams, Campbell & Johnson Engineers, 113 W. 7th Street, Concordia, Kansas, stated we're working with the applicants and speaking on their behalf. Again, we appreciate the time the staff has put into this and it has been a challenging piece and we think we have some options that we can work through and are pretty excited about getting it developed and getting some houses built on it. Like Dean said, we are working through some options. We're talking with the Homeowner's Association of Parkwood Village this month about the possibility of acquiring an easement for that water line loop. It will be developing but as the recommendations state it will all be cleared up before the final plat. We will get all the engineering decisions made and make sure they fit within their right-of-ways and the easements. But we think it can work.

Mrs. Soderberg asked what will be the range of values of homes?

Mr. Adams stated I think some of that might have to be referred to the applicants. That may depend on the design for the basements, whether they go slab on grade or if they can put basements under it. That is still under investigation. Last I heard I thought that if they go slab on grade it will be around \$150,000 and maybe up from there. If they do basements it will be more than that.

Mrs. Soderberg asked is there a plan to have some kind of covenants or design requirements?

Mr. Adams stated they don't plan on having a homeowner's association but Mr. Piercy is a builder and they are going to be heavily involved in the design of the houses. I don't know if there will be full architectural control but they will have say on what types of houses get built in there.

Mrs. Soderberg asked do they plan to have a combination of spec homes, how are they going to develop this?

Mr. Adams stated I think that is the idea is to build a few of them themselves and sell lots as well. Thank you.

Mrs. Yarnevich asked is there anyone in the public who would like to address the Commission on this application?

Shirley Drawbaugh, 1833 Parkwood, stated I am rather interested in where you are going to run that 20 ft. easement for the water. Because the way you are talking it sounds like it is going to go right by my house. Let me show you. **(Mr. Andrew and Shirley walked up to screen to look at map)** Could you tell me about how big these lots are going to be for these 27 houses?

Mr. Adams asked width wise or square footage?

Mrs. Drawbaugh asked the lot size, 200 ft. x 50 ft.?

Mr. Adams stated probably in the neighborhood of 120 ft. x 80 ft.

Mrs. Drawbaugh stated I am very interested in this because I have been very pleased with where I have been living and everyone seems to keep their property up. This piece here is going right behind my house and I'm just wondering how many houses will be put in that area?

Mr. Andrew stated as I read this, this would be your lot here and this is the plan for the lot directly behind it **(stepped away from microphone up to map)**. Looks like there would be two lots behind you. What their thought is I believe is that the easement width is pretty well fixed on your side of the line because of how close your house is to the property line. So if they are able to get the space it is going to come from the common area for the townhome portion and there is an easement on the side of your lot and it is not wide enough so they will have to get permission from the homeowner's association in the townhome area to the south to make that wide enough to be feasible. Unless you say so they won't be able to encroach any more on your property.

Mrs. Drawbaugh stated thank you.

Mrs. Yarnevich asked is there anyone else who would care to speak to the Commission on this matter. Seeing none I will bring it back to the Commission for discussion and action.

MOTION: Mr. Funk stated it seems like a good idea to fill in some of these vacant properties around the city before we go out and do fresh, virgin agricultural land. I move we approve Application #Z07-13 to change the zoning in this district from RS (Residential Suburban) to R-1 (Single-Family Residential).

SECOND: Mr. Householter.

Mrs. Yarnevich asked that would be subject to satisfactory platting?

Mr. Funk stated yes.

Mrs. Yarnevich stated it has been moved and seconded that we approve Application #Z07-13. Any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Item #4. Application #P07-6, filed by C.R. Development, Inc., requesting approval of a preliminary plat of the Red Fox Addition, a proposed 27 lot subdivision of a 9.82 acre tract of land located on the south side of East Cloud Street east of Parkwood Drive.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mrs. Yarnevich asked Dean your report included all of that?

Mr. Andrew stated yes and those conditions that are recommended on page 4 and 5 I believe of the report relate to the preliminary plat.

Mrs. Yarnevich asked are there any questions of staff regarding the preliminary plat?

Mrs. Soderberg asked without curb and gutter on Cloud and then adding curb and gutter to this area which would be new, does that affect the drainage in any way?

Mr. Andrew stated the plan is to take anything that comes off these lots or from here and get it to the street which will have curb and gutter and take it down here and then convey it over to the channel. There shouldn't be any or very minimal, I'll let Mr. Adams be more specific, but there should be very minimal runoff directed to Cloud Street. It should all be directed south. The street will be graded to drain south to the southeast corner.

Mr. Funk asked are there any plans in the foreseeable future to do something with Cloud in that area?

Mr. Andrew stated it is on an identified but unfunded list. We did note in there that at one time there were thoughts about building a bridge across the river on Cloud Street and making it a major street and that idea has been dropped. It's not a real high traffic volume street and it's not in terrible condition, it's not falling apart, it's just not up to a City standard. There is no timetable for doing that.

Mrs. Drawbaugh asked how would that affect me?

Mrs. Yarnevich stated would you please stand up and come to the podium.

Mrs. Drawbaugh asked how would that affect the dike if you put a bridge over that river?

Mr. Andrew stated the idea of doing a bridge has been dropped. It was an idea at one time.

Mrs. Yarnevich stated the other side of where the bridge would have been has now been developed and there will be no bridge. Are there any other questions of staff? Would the applicant care to address the Commission again? Are there any questions of the applicant? Seeing none we will bring it back to the Commission for discussion and action.

MOTION: Mr. Ritter stated I move we approve Application #P07-6 with the six recommendations by staff.

SECOND: Mr. Funk.

Mrs. Yarnevich stated it has been moved and seconded that we approve Application #P07-6 with the six staff recommendations. Are there any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Item #5. Application #CU07-3, filed by Erin Kearns, requesting approval of a Conditional Use Permit to establish and operate a group care home in an R-1 (Single-Family Residential) district. The subject property is legally described as Lot 34 of the Sunset Village Addition to the City of Salina, Saline County, Kansas also known as 1020 Vassar Drive.

Mr. Andrew stated Mr. Herrs will present this staff report.

Mr. Herrs presented the staff report with visual graphics which is contained in the case file.

Mrs. Yarnevich asked are there any questions of staff?

Mr. Householter asked did you say that the Conditional Use Permit would follow the house that if they were to move that that would stay with the house?

Mr. Herrs stated the next owner could operate a day care facility.

Mr. Householter asked is there any way to change that to where that wouldn't carry through? I think each application should probably be based on the new owner.

Mr. Herrs stated I think the opinion is that not only is the owner important but whether or not the site meets the criteria. If the site meets the criteria there are no other issues.

Mr. Householter stated okay.

Mr. Andrew stated your role today would be to say that this is a suitable location for that type of day care. If you're saying the site is suitable it should be suitable for another user as well.

Mrs. Soderberg asked the licensing would not go with the property?

Mr. Andrew stated the licensing does not transfer but as far as the use, if you are saying this seems to be a suitable location to provide day care then that's the finding that you're making.

Mrs. Yarnevich asked we are only increasing this by two children and we are providing another care provider? So instead of having one person for ten children we have two people for twelve?

Mr. Andrew stated the part that is confusing about the ten is that the ten number includes resident children that are members of the family. It doesn't mean you can have ten off-site children for one day care provider. The ten number means you can have up to ten children counting your own.

Mrs. Yarnevich asked what about the twelve number?

Mr. Andrew stated the twelve number is the same. The other part that doesn't come in to this is that it depends on whether you have infants or toddlers or whatever the age group is. If you have infants and toddlers you can have fewer children because the ratio is lower than it is for kindergarten or above.

Mrs. Yarnevich asked are there any other questions of staff? Is there anyone that would like to address the Commission on this issue? Please state your name and address.

Erin Kearn, 1020 Vassar, stated first off as he was explaining, the more younger children I have the less children I can have overall. I do have one child of my own so he does count towards my total count of children I can have at one time. I was presented with a letter from the neighbors that was sent to you. Looking through here at a few things I just wanted to address some that were on here. They did bring up as far as putting in a privacy fence. That is something that we are looking in to. We're a young couple and just purchasing our house would have been two years ago. That is something that is in the works and it does take extra money and that is part of building up what I am doing as my job to bring in the extra income to be able to make those improvements. I do totally respect how they feel. In regards to that I have spoken with how they have on here 10-12 children they feel is too many for my backyard. As he did state my lot size and playground size meet all the requirements that I need. I did speak with Cathy at the Health Department who does my yearly inspections as far as I have to have my children outside an hour a day. As far as splitting them up, I am doing six out at a time that way it doesn't interfere as much. The only thing I'm running into is that I can have up to ten children right now by myself, my biggest thing is that I can have another adult in my home to help me to be able to keep the babies inside because they need to be fed and allow the employee or helper to take the other children outside to play. That's really the only difference. They did state in here as far as my dogs. My dogs can be kenneled in their kennel. It's a 10 ft. x 10 ft. kennel, it is not a run. It shows on one of the pictures that they have up there. The one that is actually like the map picture. As far as where it sits it can be moved but they have for their self all of the play area. I built in a huge sandbox for them which is plenty to me which seems to accommodate them with plenty of room and space to play. I have been doing my day care for almost two years now and I've never had a problem with either one of my animals. The big one is still a puppy and he is normally kenneled when the kids are out. Because he is still a puppy he likes to jump. Other than that I haven't ran into any problems whatsoever with them. That is really all that I have. I just feel that I've met the requirements that I was asked. When they did come out and do my inspection there were a couple things that the Fire Inspector asked me to do. I have either gone out and purchased those to make those changes, which by the Health Department I'm already meeting code so those are just changes I have to do for the group day care, specific things like the carpet being taken out on the stairs to the staircase downstairs. They came out and inspected last week and that was done over the weekend. I'm just trying to meet the requirements even though my lot size and all that meet all the requirements. I am trying my best to meet all the requirements that are needed. I just wanted to address more than anything that I do respect that I have back neighbors. As far as when I'm going to be able to put in a privacy fence that just comes down to when I'm able to afford that, because that is a lot of money. That is all that I have.

Mrs. Yarnevich asked are there any questions of the applicant?

Mrs. Soderberg asked how many children do you currently watch?

Mrs. Kearn stated I can have up to ten but I currently have eight because one of them that I do have is a baby so she counts as two.

Mrs. Yarnevich asked the animal issue, do the parents request that you have your dogs kenneled?

Mrs. Kearn stated no, all my parents know before I even interview them that I have two dogs. My little dog is a miniature pincher. Before I even started this I had him and we went through insurance to make sure that is all covered. That is why I have insurance. I have to carry shot records and all

that on my dogs. I've never had a problem with them before as far as violence goes.

Mrs. Yarnevich asked Dean, is that an issue that we concern ourselves with whether or not she has dogs and whether or not she has a privacy fence?

Mr. Andrew stated I think the privacy fence is relevant from an impact standpoint, that's really your role. The Health Department governs the question about dogs and it's more of a provider and safe environment issue. I would say from my experience in looking at these cases it seems to be much more common for day care providers to have chain link fences than privacy fences. It's not a requirement. Certainly this is a conditional use. It is something that is discretionary with you but our experience is that it is more common for the play areas to be enclosed by chain link than by privacy fences. It is something that you have the discretion to require but that is over and above what the Health Department requires which is a 4 ft. chain link fence.

Mrs. Yarnevich asked are there any other questions of Mrs. Kearn?

Mr. Funk asked you said something about your children have to be out one hour a day, is that a day or a half day?

Mrs. Kearn stated an hour a day I have to have all the children outside, whether it be all at once. That's why I checked with Cathy from the Health Department because I did have a neighbor bring up the issue as far as noise. You can only keep children so quiet especially outside. So I did ask my inspector what I could do and she did bring up the option as far as splitting them up, taking out half at a time. Not all my children show up at the same time. I have ones that go to school and show up after school, parents work at different times, so we try to work that out so it doesn't disturb my neighbors so much.

Mr. Funk asked do you do this one hour and one hour or two half hours?

Mrs. Kearn stated it is depending on the weather. It doesn't have to be all at once. If it's 100 degrees outside then I'll probably do a little here and there.

Mrs. Yarnevich stated it would seem to me that there would be a less impact on the neighborhood if they were all out there for thirty minutes than if you would have six of them out there for thirty minutes and then six of them for another thirty minutes.

Mrs. Kearn stated that is how I felt.

Mrs. Yarnevich stated this is happy noise, this is children noise.

Mrs. Kearn stated I know but that is their concern and I want to respect that. I'm trying to expand my business, this is my living and improving my home so I want the support of them. I did note that one concern was they didn't feel the backyard was big enough. After doing the inspections it came up that I was above all minimum requirements. So I'm trying to work with them as far as trying to do my best to figure out a way for everyone to get along. I don't want to interfere with them and I would like to work a way out with them so I'm not disturbing them.

Mrs. Yarnevich asked are there any other questions of Mrs. Kearn?

Mrs. Kearn stated thank you.

Mrs. Yarnevich asked is there anyone else who would like to address the Commission? Please state your name and address.

Allis Vogelsberg, 1103 Windsor Drive, stated I am one of the back yard neighbors. Our yards join and there is no buffer in between except for the chain link fence. That is my house right back there behind them. The distance between my patio and that yard is very small and what we are mostly concerned with are what are the ages of these kids? When you get into a group day care what are the ages of the children they can have? These little kids play and make noise and that is kind of understandable but even when they're playing and making noise if I want to go out and sit on my deck forget it and I have to go back in my house. It is encroachment on me and the neighbors. These kids are great kids and we love you as neighbors and we welcome you in the neighborhood. But when they started the day care we weren't asked anything about that, we weren't even considered on what our opinions were on it. There was a letter submitted, did you all get a copy of that? There were four of us that signed it but there are ones on either side that didn't sign it who were all concerned and I think some of them might have even talked to you about it. Another thing that bothers me, if this is approved and they decide not to do it or move does that conditional permit follow the land?

Mr. Householter stated that was my question too. I think maybe I misstated, my concern is that while they're operating it, their yard is laid out this way and they're doing all the things for that if the next owner moves in are we going to re-inspect to make sure they're meeting our codes. I know the Health Inspector is going to go out there but are we going look if they decide to do something different structurally. Does the Health Department or Fire Department look at that? I guess that's my only concern is if somebody comes back there and does some sort of structural change. I know there is some minimums but I know the whole idea of us meeting here is just to make sure we agree those minimums are going to be enough to let them have this conditional permit. I just think if they decide to move in five years and it's down the road and the next guy comes in and maybe he has modified it and maybe done some things that maybe we wouldn't agree with at this point, I just have a hard time carrying through any conditional permit to the next owner. Just because it's okay now doesn't mean it's going to be okay in five years. I think we ought to look at each incident as a new incident. But I'm new to this game and maybe that's too much paperwork.

(Mr. Funk left the meeting at this time).

Mrs. Vogelsberg stated something else that I wouldn't want to get started is a precedent set. This is a well established older neighborhood, people have owned their homes since they were built and if you get this kind of thing going us as homeowner's have concerns and considerations too. That is all I have to say. Thank you.

Mrs. Yarnevich stated thank you. Is there anyone else who would like to address the Commission?

Mrs. Kearn stated I do agree completely. I didn't know maybe if there was some type of Conditional Use Permit that has an expiration where it has to be re-inspected? Because personally I don't think it should be held against me because that's how the rules are made that the next person can do the exact same thing without being inspected like I have gone through. I understand that completely but at the same time I don't think it should be held against me for that being a rule. So I didn't know if there was some type of expiration on it or re-evaluation that you guys know of?

Mr. Mikesell asked from a practical standpoint Dean, if let's say in fact that they decided to build a larger deck and enclose that, would that not require a building permit and at that point would that permit that we're possibly going to grant come up and could staff say that that would encroach on the

other space too much and not allow enough backyard space for the day care?

Mr. Andrew stated that would still be a judgment for the Health Department that would inspect annually. You probably have within your authority to say that this Conditional Use Permit will expire upon sale of the property or if it ceases to be used as a day care for so much period of time. It's just that nobody is going to tell us that the property has been sold or that they've stopped doing day care there. So from a monitoring standpoint it is not easy to do. The general rule is that if you're saying it's suitable for one you are saying it's suitable for another. Do you have the discretion to add a third condition saying that it will expire if they ever sell the property? You can do that. But nobody is going to tell us that they've sold the property. Then we would have to go out and discover that somebody else was doing it.

Mrs. Yarnevich asked they have to be licensed and they have to go through all the applications and inspections?

Mr. Andrew stated right.

Mr. Householter stated it sound to me like there is at least some safe guards.

Mrs. Yarnevich stated the point is the house is suitable and the lot is suitable.

Mr. Andrew stated that there is parking available.

Mrs. Yarnevich stated that there is parking available.

Mr. Andrew stated there is a safe place to drop off children. That's what you're being asked to look at, not so much the provider. That is really the Health Department's role.

Mr. Householter stated again, not so much the provider just the change in structure was more my concern. I could understand the monitoring of that might be a little difficult considering this is one of how many in Salina. We may not want to start that. These meetings might turn into six hour meetings.

Mrs. Soderberg stated you might answer her question about the ages of the children that she had.

Mrs. Kearn stated the ages of the children is primarily what I accept. That is my choice. I can have from newborn to I believe fourteen.

Mr. Herrs stated sixteen, it's actually a misprint in here.

Mrs. Kearn stated my oldest right now is six. She just started kindergarten, so that is where my half days are coming in, kids are coming in and out right now. Six is the oldest I have. My youngest just turned one like three months ago and the rest are in between there.

Mrs. Yarnevich asked this actually only adds two children to the mix but it does help you by adding another provider?

Mrs. Kearn stated correct. I can have another adult to assist me.

Mrs. Yarnevich asked that way you could separate the kids and have one group outside for awhile and then the other group?

Mrs. Kearn stated I am more than willing to do that.

Mr. Householter stated that might help cut down on this noise level by not just letting twelve kids run around.

Mrs. Kearn stated the only thing is I don't know how much it is going to cut down. Even splitting them up that's as many kids as I have right now out there. Like I said, I try my best but that's where kids are supposed to be able to be loud. But I try and keep it to a minimum for them.

Mr. Ritter stated one of the big concerns is the privacy fence. But have you talked to your neighbors and maybe now might be the time? I only see one fence so maybe if they would want to split the cost? It's 69 ft. and if you divide that by two people.

Mrs. Vogelsberg stated come on now, let's not start that.

Mrs. Kearn stated my husband and I have definitely looked into that option. It's just a money factor right now.

Mrs. Vogelsberg stated personally I don't like privacy fences. They do cut back the noise some. There is a privacy fence you can see along side her fence and that is where all the weeds and stuff grow. There is one a little bit on my property for the people next door and of course I have a chain link fence all around and then that privacy fence comes in. You know where the weeds are, and guess who takes care of them? But as far as a privacy fence I don't know if that would really benefit us that much or not. Besides, I like to look over there and see what's going on.

Mrs. Soderberg stated you never know, it could be a family with six or eight kids that move in there.

Mr. Householter stated that is kind of what I was thinking too.

MOTION: Mr. Householter stated it sure seems as though the minimal requirements that the staff has outlined are being met and I can't see any reason to not approve it. I move we approve Application #CU07-3 to establish and operate a group day care home at 1020 Vassar Drive subject to the staff recommendations.

SECOND: Mr. Funk.

Mrs. Yarnevich stated it has been moved and seconded that we approve Application #CU07-3 to allow a group day care to be established and operate at 1020 Vassar Drive subject to the staff recommendations. Are there any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 7-0.

Mrs. Soderberg stated it's nice to see when neighbors are trying to get along. That is refreshing.

Item #7. Update on Stormwater Ordinance Committee.

Mr. Andrew stated the list that you see there is the group that agreed to serve and were appointed by the Mayor and City Commission to serve as the Advisory Committee or Ad Hoc Committee to advise on the creation of and recommendation of the content of the Stormwater Pollution Control Ordinances that were discussed and it appears that the first meeting of that group will be next Tuesday at 7:00 a.m. based on a consensus of the group and there will be notebooks put together for each of those members that will have some background information and outlines. We will meet as often as

needed to allow those members to understand that better and feel comfortable with making recommendations on the final content of those ordinances. So that recommendation has been acted on and those are the appointed members.

Mr. Schneider asked who from the City will be on that?

Mr. Andrew asked as far as the staffing goes?

Mr. Schneider stated yes.

Mr. Andrew stated as far as the staffing goes, it will be the Deputy City Manager, Mike Schrage, myself, Civil Engineer, Wayne Nelson from the Engineering Department. There could be others but those would be the primary staff members.

Mrs. Soderberg stated it looks like a good committee.

Mrs. Yarnevich asked are there any questions of Dean or the staff?

Item #8. Update on Comprehensive Plan.

Mr. Andrew stated what you have in front of you shows that we are under contract with Gould Evans and Associates out of Kansas City, Missouri and attached to that is a scope of services and kind of an outline of what is going to be taking place. The next steps will be the formation of a Project Advisory Committee which will be citizens from the community, a technical committee which will probably primarily be City staff that will be there to provide technical information to the consultants and then in addition to the Advisory Committee there will be some specific focus groups relating to economic development, connectivity, housing and parks and recreation as well as some community open houses. One important part of this will also be a community survey that will be put together and sent out to residents in the community. We had kind of a general citizens survey that was done a couple of years ago, this will have much more specific questions about community appearance and a number of other things and try to illicit response from that. We're looking at before Thanksgiving having some of the public meetings, focus groups and some of the other initial public meetings but right now we're primarily in the information gathering stage to collect prior plans and other documents and other information to give to the consultants so they can start getting a good background picture of the community and putting together a public participation plan. There's rough schedules of things in the order in which they would occur. I wouldn't say there is a definite exact calendar but we are in the project set up stage and will be until we start having some public meetings to develop a community vision. That's kind of an outline of things on how they would occur and we'll be looking at getting members for those various groups finalized in the next couple of weeks and getting data to the consultants.

Mr. Mikesell asked not holding you to any exact numbers or anything, are we talking about a two year or a year process?

Mr. Andrew stated I think you're looking at twelve months maybe plus to get to the final draft and adoption. That is the goal anyway to fit it within a twelve month period.

Mrs. Soderberg stated it seems unusual to me that City staff would appoint a citizen committee.

Mr. Andrew stated we're not.

Mrs. Soderberg stated it just says "City staff responsibility appoint advisory committee".

Mr. Andrew stated that is not actually going to occur here. That is their experience of working in other communities. But that is not going to occur. It is most likely going to be the Mayor or the City Commission that will do that. Part of what we're working on is just the organization of that, how many members and how will it be supported. Obviously City staff's job is to make sure that Advisory Committee members are kept informed and know what the schedule is and get the materials and all that. But City staff is not going to appoint the committee.

Mrs. Soderberg asked where does it make sense that the Planning Commission comes into that part of the process, to have a couple of members on that Citizen Advisory Committee?

Mr. Andrew stated certainly a member or members on the Citizen Advisory Committee and also being kept aware and hopefully being part of topical focus groups that are of particular interest to you. So I'd like to think that if we had four focus groups focusing on economic development, connectivity, housing and parks that there might be particular areas of interest that the Commissioners would have and that you would want to be part of those focus groups based on your personal interest. So I would see that and certainly having one or two Planning Commissioners on the Advisory Committee as well.

Mrs. Yarnevich asked are there any other questions?

Item #9. Other matters.

Mr. Andrew stated we don't have any other matters for you other than we do have items scheduled for the 18th and we will meet then. We have officers and we have representatives so we'll be on a two week schedule for the foreseeable future and what we will do though is make sure that the Planning Commission is kept in the loop on all aspects of the Comprehensive Plan as it develops, who is on the Advisory Committee, what the focus group schedule will be, getting you introduced to the consultants from Gould Evans.

Mrs. Soderberg asked can we build in for the next meeting a little time on the discussion on the signs?

Mr. Andrew stated yes, we can do that.

Mr. Householter asked is this our wayfinding signs that we're getting in town?

Mrs. Soderberg stated no, it's electronic billboards and LED moveable signage.

Mr. Householter asked how about large for sale signs that set three months after houses get sold, can we address that?

Mr. Andrew stated the maximum size of a residential for sale sign is 8 square feet and we have a couple out there that are a little larger than that. But the main focus of this discussion is that we did learn that this issue is being studied in Omaha, Nebraska and Kearney, Nebraska and we're getting some information from them about items they are discussing there. So we will have some additional background information for you.

Mrs. Soderberg stated okay, good.

Mrs. Yarnevich asked are there any further questions or comments? Seeing none we are adjourned.

Meeting adjourned at 5:32 p.m.

Dean Andrew, Secretary

ATTEST: _____